

# Board of Health Agenda

Date: October 14, 2020

Time: 2:00 P M

Location: Conducted by Remote Participation

## 1. Administrative

## BOARD OF HEALTH MEETING AGENDA

Date: Wednesday, October 14, 2020

Time: 2:00pm

Location: Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the October 14, 2020 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

***Public access to this meeting shall be provided in the following manner:***

Real-time public comment can be addressed to the Board of Health utilizing the Zoom virtual meeting software for remote participation. This application will allow attendees to request an opportunity for public comment, and allow the Board Chair to grant attendees the opportunity for public comment. Attendees can use either phone or computer to participate in the meeting. Public comment can also be sent in advance of the meeting by emailing the Board of Health at [boh@town.arlington.ma.us](mailto:boh@town.arlington.ma.us) by no later than 5pm on October 13, 2020. Submitted public comment will be read into the record at the appropriate points in the meeting.

***Zoom Login instructions:***

Instructions and the meeting link for this specific meeting can be found on the Board's agenda and minutes page or on the Town's meeting calendar. The meeting registration information is listed below. When attendees enter the meeting, they will be placed into a virtual waiting room. Attendees will be admitted into the meeting from the waiting room at the start of the meeting.

Please register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/meeting/register/tJYkcu-uqDwjHdDuidul5l3dJhM9PhP3SDvM>

After registering, you will receive a confirmation email containing information about joining the meeting.

## On this agenda:

2. Acceptance of Meeting Minutes from August 19, 2020
3. COVID-19 Situational Update
4. Public Health Nurse Update

5. DISCUSSION:

Tobacco Update

6. UPDATES:

Environmental Health

7. UPDATES:

Restaurants

Adjourn



## Town of Arlington, Massachusetts

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### Acceptance of Meeting Minutes from August 19, 2020

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	08192020_Minutes_Board_of_Health_Draft.pdf	08192020MeetingMinutes



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
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## BOARD OF HEALTH MEETING MINUTES

Date: Wednesday, August 19, 2020

Time: 2:00pm

Location: Conducted by Remote Participation

In accordance with the Governor's [Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20](#) relating to the COVID-19 emergency, the August 19, 2020 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

***Public access to this meeting shall be provided in the following manner:***

Real-time public comment can be addressed to the Board of Health utilizing the Zoom virtual meeting software for remote participation. This application will allow attendees to request an opportunity for public comment, and allow the Board Chair to grant attendees the opportunity for public comment. Attendees can use either phone or computer to participate in the meeting. Public comment can also be sent in advance of the meeting by emailing the Board of Health at [boh@town.arlington.ma.us](mailto:boh@town.arlington.ma.us) by no later than 5pm on August 18, 2020. Submitted public comment will be read into the record at the appropriate points in the meeting.

***Zoom Login instructions:***

Instructions and the meeting link for this specific meeting can be found on the [Board's agenda and minutes page](#) or on the [Town's meeting calendar](#). The meeting registration information is listed below. When attendees enter the meeting, they will be placed into a virtual waiting room. Attendees will be admitted into the meeting from the waiting room at the start of the meeting.

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After registering, you will receive a confirmation email containing information about joining the meeting.

**On this agenda:**

**1. Administrative:**

Hello, this is Natasha Waden, Arlington's Director of Public Health. Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and allowing us to adhere to social distancing requirements during the Covid-19 crisis, this Town of Arlington Board of Health meeting is being held virtually via Zoom for audio and video participation of Board Members and the public. When you entered this meeting, you were automatically muted. During this meeting you will be unmuted

individually as needed. These controls are in place to ensure that today's meeting is safe and effective. At this time, I would like to confirm that all members and persons anticipated on today's agenda are present and can hear me.

Board Members, when your name is called, please respond in the affirmative.

1. Marie Walsh Condon, Aye
2. Kevin Fallon, Aye
3. Ken Kohlberg, Aye

Health Department staff, please respond in the affirmative when your name is called.

1. Natasha Waden, Aye
2. Kylee Sullivan, Aye
3. Pat Martin, Aye
4. Jessica Kerr, Aye
5. Laura Munsey, Aye
6. Ashley Jean, Aye
7. Emily Sullivan, Aye

Applicants and Representatives, do we have anyone on the call representing an application? N/A

Thank you everyone.

As stated, this Open Meeting of the Arlington Board of Health is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus.

In order to mitigate the transmission of the COVID-19 Virus, the Town of Arlington has been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will have one public comment period, at the end of the meeting. If you would like to comment during one of the public comment periods, please use the "Raise Hand" function if on a computer, or "Dial \*9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments.

For this meeting, the Board of Health is convening by telephone and computer conference via Zoom as posted on the Town's Website identifying how the public may join.

Only Health Department staff will be able to share their screen during this meeting. Board Members and Department Staff may be participating by video conference. Accordingly, please be aware that other folks may be able to see you. Anything that you broadcast may be captured by the recording.

All of the materials for this meeting are available on the Novus Agenda dashboard, and I recommend that Board Members and the public follow the agenda as posted on Novus unless otherwise noted. Members of the public are encouraged to provide written public comments.

Before we get to today's agenda, I am going to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

Marie Walsh Condon, the Board Chair, will introduce each agenda item. After the item is presented, she will go down the list of Board Members, inviting each by name to provide any comment, questions, or motions. Please hold comments or questions until your name is called and you are unmuted.

For any response, please wait until the Chair yields the floor to you, and state your name before speaking.

Finally, each vote taken during this meeting will be conducted by roll-call vote.

Marie, can you please now review today's agenda. Floor yielded to Dr. Marie Walsh Condon.

Dr. Walsh Condon welcomed everyone to today's Board of Health meeting.

## 2. Acceptance of Meeting Minutes from July 29, 2020

Ken Kohlberg – Typographical error noted under roll call vote

Motion made by Kevin Fallon, which was seconded by Ken Kohlberg to accept the July 29, 2020 meeting minutes as amended.

Dr. Marie Walsh Condon, Aye

Ken Kohlberg , Aye

Kevin Fallon, Aye

Motion approved 3-0 (unanimously)

## 3. COVID-19 Situational Update

Director Waden informed the Board that the Arlington Advocate asked for information regarding COVID-19 within the community. Director Waden provided an analysis for the last 10 weeks which included approximately 1.8 cases per week. She stated we continue to work with the state as well as our internal team in reviewing and conducting contact tracing. She reported that it has been observed that current cases require more identification and notification of contacts with both confirmed and probable cases. Director Waden yielded the floor to Jessica Kerr, Public Health Nurse, who reported that numbers have remained steady with 329 confirmed cases, 38 probable cases, and 47 deaths. To date 258 residents have recovered from COVID-19. She reported that the

state recommends individuals with a positive antigen test should follow up the antigen test with a PCR test for confirmation. Guidance from the state is that antigen tests are not as sensitive and therefore less accurate, and may result in false positive and false negative testing results. Nurse Kerr yielded the floor to Director Waden.

Director Waden reported that the state has rolled out a new interactive map to depict levels of community spread throughout the commonwealth. The map has a white, green, yellow, and red color scheme to indicate varying levels of COVID-19 spread. With schools reopening this was put in place as a tool to make community-based decisions for remote, hybrid, and in-person learning. Communities identified as level “red” are encouraged to conduct remote learning. Arlington is currently in the level “white”, however, this can change rapidly depending on new cases of COVID-19. Director Waden reported that this is an additional tool for making informed decisions as to what is going on in our community.

Director Waden stated staff continues to work with the business sectors, sports teams, Recreation Department, etc. We continue to receive complaints about mask wearing. She reported Governor Baker has reduced outdoor gatherings from 100 to 50 and masks need to be worn if there are more than 10 family units in attendance of any gathering.

Director Waden stated that the Health Department staff is mostly back in the office, although some staff are working remotely as needed. She reported that both she, and Nurse Kerr met with Arlington Catholic High School and St. Agnes School officials to discuss their reopening plans, and they were impressed with the plans presented. She further reported that earlier today herself, Jessica Kerr, and Dr. Marie Walsh Condon met with Arlington Public School officials to discuss their plans for reopening. Prior to today’s meeting the Department of Public Health and DESE issued guidance for isolation of confirmed and probable cases. Additional discussions regarding 3 feet distancing with masks vs. 6 feet distancing was also discussed. DESE stated that the World Health Organization and American Pediatrics Association are two health organizations that recommend 3 feet distancing with masks. Director Waden stated the town is looking at a hybrid learning model for Elementary and Middle Schools, and a fully remote learning model for Arlington High School. Additional discussions are taking place regarding transportation (i.e. school buses) related to 3 feet vs. 6 feet distancing with windows open/closed. She stated the Health Department continues to believe 6 feet distancing is most protective.

Doctor Marie Walsh Condon inquired where people are getting antigen tests, because the Beth Israel medical system is not providing any. Nurse Jessica Kerr stated facilities are using whatever tests are accessible. She stated Arlington’s AFC Urgent Care is giving people both tests together at the same visit. She informed the Board that antigen test results are reported right away (approximately 15 minute for rapid tests). She stated there have been several occurrences where the antigen test provides one result and the PCR test provides a different result a few days later, which causes tremendous confusion for the patient.

Dr. Marie Walsh Condon asked the Board if they had any questions or comments.

Mr. Ken Kohlberg stated he very much appreciates the updates provided by Director Waden and Nurse Kerr.

Dr. Kevin Fallon stated the same.

4. Public Health Nurse Update:

Nurse Kerr stated most of her update was addressed in Agenda Item 2 COVID-19 situational update, but noted the Health Department is continuing to work with schools to support consistent COVID-19 messaging to parents/guardians and the community at large. Director Waden stated the Department is still working on flu clinic plans, but most likely will not be going into the schools this year, and will plan alternative clinics to provide safe and effective flu vaccinations. More information will follow in upcoming weeks.

5. Environmental Health Update:

Inspector Pat Martin informed the Board that the Health Department continues to receive complaints about a residential construction project on Brattle Street. He stated Inspectors have been visiting the site daily, sometimes twice per day. He reported noise levels were monitored last week which exceeded the allowable limit of 85 dBA as outlined in the town's Noise Abatement Bylaw. As a result, the Department issued a cease and desist order to the contractor until sound mitigation was in place. The contractor complied and upon a recent noise monitoring test this week noise levels were in compliance.

Inspector Martin informed the Board that Apothca has received approval from the Cannabis Control Commission (CCC) to operate a co-located Medical Marijuana and Adult Recreational Marijuana Establishment, however, the CCC still needs to conduct a final on-site inspection. Inspector Martin stated the Arlington Health Department inspection is scheduled for next Tuesday. He anticipates that if inspections go well Apothca is expected to open by the end of the month.

Inspector Martin informed the Board that the Department continues to receive rodent complaints and that rodent assessments have resumed. He further stated that the Harmful Algae Bloom at Hill's Pond is still present and so the public health advisory against activity in the pond is still in effect. Guidance from the state will be sought regarding the lifting of this public health advisory. Inspector Martin yielded the floor to Director Waden.

Director Waden formally introduced Ashley Jean, a newly hired Health Compliance Officer, who started with the Arlington Health Department a few weeks ago. Ashley informed the Board she was previously a Case Investigator with Partners in Health for the Community Tracing Collaborative. She further stated she has a Master's Degree in Community and Global Health from Clark University located in Worcester, MA and she received her undergraduate degree in Health: Science & Social Policy and Medical Anthropology from Brandeis University in Waltham, MA.

6. Restaurant Updates

Inspector Martin informed the Board there are no new restaurant closures to report. The Department continues to process temporary outdoor dining licenses. To date, 15 applications have been received, and 11 restaurants have been permitted. He was happy to announce that restaurants in Broadway Plaza have been permitted to provide outdoor dining.

7. Public Comments: None



Dr. Marie Walsh Condon stated that concludes the Board of Health's agenda for today's meeting. Does a Board Member move to close this meeting?

A Motion to adjourn was made by Mr. Ken Kohlberg, seconded by Kevin Fallon.

We will now take a roll-call vote to close today's meeting. Please respond after your name is called:

1. Marie Walsh Condon, Aye
2. Kevin Fallon, Aye
3. Ken Kohlberg, Aye

Meeting adjourned at 2:35 pm.



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

To: Board of Health  
From: Padraig Martin  
Date: October 8, 2020  
RE: Tobacco Update

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On November 27, 2019 Governor Charlie Baker signed into law An Act Modernizing Tobacco Control. The Massachusetts Department of Public Health promulgated emergency regulations which went into effect on December 11, 2019. The Public Health Council updated and approved the new regulations (105 CMR 665) on February 12, 2020 and they have been in effect since March 6, 2020.

Some key points in the new regulation are:

1. The exemption for mint, menthol, and wintergreen was removed and are now considered to be flavored tobacco.
2. Retail stores licensed to sell tobacco products (such as convenience stores, gas stations, and other retail outlets) are restricted to the sale of non-flavored nicotine products with a nicotine content of 35 milligrams per milliliter or less.
3. The sale and consumption of all flavored nicotine vaping products may occur only within licensed smoking bars.
4. Fines were increased to \$1,000 for a first offense, \$2,000 for a second offense and \$5,000 for a third.

The Town's REGULATION RESTRICTING THE SALE OF TOBACCO PRODUCTS AND NICOTINE DELIVERY PRODUCTS has not been updated since these changes went into effect. D.J. Wilson, Tobacco Control Director/Public Health Liaison for the Massachusetts Municipal Association, is available to attend an upcoming board meeting to answer questions or assist with updating the Town's tobacco regulations.